

HOUSE No. 3595

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to foods containing artificial trans fat.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex
Stephen J. Buoniconti	Hampden
Denise Provost	27th Middlesex
Christine E. Canavan	10th Plymouth
William N. Brownsberger	24th Middlesex
Susan C. Fargo	Third Middlesex
Matthew C. Patrick	3rd Barnstable
Alice K. Wolf	25th Middlesex
Lori Ehrlich	8th Essex
Carl M. Sciortino, Jr.	34th Middlesex
Thomas P. Conroy	13th Middlesex
Cory Atkins	14th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4346 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO FOODS CONTAINING ARTIFICIAL TRANS FAT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 58
2 the following section:-

3 Section 58A. (a) No foods containing artificial trans fat, as defined in this section, shall be
4 stored, distributed, held for service, used in preparation of any menu item or served by a
5 common victualler licensed under section 6 of chapter 140, except food that shall be served
6 directly to patrons in a manufacturer's original sealed package.

7 (b) A food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an
8 ingredient, or contains any kind of partially hydrogenated vegetable oil; provided, however, that
9 a food with a nutrition facts label or other documentation from the manufacturer which lists the
10 trans fat content of the food as less than 0.5 grams per serving shall not be deemed to contain
11 artificial trans fat.

12 (c) The department of public health and the local boards of health within their respective
13 jurisdictions shall enforce this section. The department of public health shall adopt rules and
14 regulations to secure proper enforcement of this section. A person who violates any rule or
15 regulation duly adopted by the department of public health pursuant to this section shall be
16 punished by a fine of not less than \$25 and not more \$1,000.

17 (d) The department of public health, in consultation with representatives of the restaurant, food
18 supplier and food producer industries shall, subject to appropriation, implement a comprehensive
19 education and outreach program designed to ensure compliance with this act. The department
20 shall include the following in the outreach and education program: materials for common

21 victuallers licensed under section 6 of chapter 140, about appropriate methods to ensure
22 compliance with this section; information for consumers and businesses about the health risks
23 associated with the ingestion of trans fat; guidance for consumers and businesses the
24 incorporation of healthy alternatives to trans fats in food preparation; and any other information
25 the department deems necessary to promote awareness of this section.

26 SECTION 2. This act shall take effect 12 months after the passage of this act with respect to
27 oils, shortenings and margarines containing artificial trans fat that are used for frying or in
28 spreads, except with regard to oils or shortenings used for deep frying of yeast dough or cake
29 batter. This act shall take effect 18 months after the passage of this act with respect to oils or
30 shortenings used for deep frying of yeast dough or cake batter and all other foods containing
31 artificial trans fat.

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